

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

FRANK WILSON, JR.

Plaintiff,

v.

Civil Action No. 3:21cv98-DMB-RP

M.C. VAN KAMPEN TRUCKING, INC., and
SHAWN CHRISTOPHER JANAK

Defendants.

NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI, OXFORD DIVISION

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendants, M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, file this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. April 16, 2021, Plaintiff, Frank Wilson Jr., (“Plaintiff”) commenced an action against M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, in the Circuit Court of Marshall County, Mississippi (“State Court”) under the style, *Frank Wilson, Jr. v. M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak*, Case No. CV2021-143 (the “Civil Action”). The Civil Action is still pending in the State Court.

2. M.C. Van Kampen Trucking, Inc., received service of a copy of the Summons and Complaint in the Civil Action, by service or otherwise, on or about April 27, 2021. A copy of the entire State Court file is attached as Exhibit “1”.

3. Shawn Christopher Janak received service of a copy of the Summons and Complaint in the Civil Action on or about April 27, 2021.

4. Removal is timely in this matter in that:

(a) Pursuant to 28 U.S.C. § 1446(b), Defendant, M.C. Van Kampen Trucking, Inc. is required to file its Notice of Removal within thirty days after service of the Complaint.

(b) Pursuant to 28 U.S.C. § 1446(b), Defendants, M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, must file their Notice of Removal on or before May 27, 2021, (30 days after service of the Complaint on M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak).

(c) Accordingly, Defendant, M.C. Van Kampen Trucking, Inc., by timely filing its Notice of Removal on or before May 27, 2021, has complied with the provisions of 28 U.S.C. § 1446(b).

5. Defendant, M.C. Van Kampen Trucking, Inc., is a Michigan Corporation with its principal place of business located at 12697 Valley Drive, Wayland, Michigan 49348. As such, Defendant, M.C. Van Kampen Trucking, Inc., is a citizen of the State of Michigan.

6. Defendant, Shawn Christopher Janak, is an adult resident citizen of the State of Arizona with an address of 441 N. Grand Avenue, Suite 4 #521B, Nogales, Arizona 85621.

7. Plaintiff in the Civil Action in State Court is an adult resident citizen of the State of Mississippi. (See Complaint for Damages, ¶ 1).

8. The District Court of the United States has original jurisdiction of said Civil Action, pursuant to 28 U.S.C. § 1332(a)(1), as it involves a suit of a civil nature between citizens of different states and the matter in controversy that exceeds \$75,000, exclusive of interest and costs, and this Court has removal jurisdiction pursuant to 28 U.S.C. § 1441(a). See Complaint

for Damages, Prayer for Relief, ¶ 1 and 2 (“Plaintiff respectfully demands...the sum of One Million Dollars (\$1,000,000.00).”).

9. Defendants, M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, have filed this Notice prior to the expiration of thirty (30) days following the receipt of a copy of the Summons and Complaint.

10. Venue is proper in the United States District Court for the Northern District of Mississippi, Oxford Division, because that is where a substantial part if the events giving rise to the Plaintiff’s claim occurred. (See Complaint for Damages, ¶ 4).

11. Defendants, M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, will give written notice to Plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Marshall County, Mississippi. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit “2”.

WHEREFORE, Defendants, M.C. Van Kampen Trucking, Inc. and Shawn Christopher Janak, pray that the Civil Action now pending against it in the Circuit Court of Marshall County, Mississippi, be removed therefrom to this Court.

This the 11th day of May, 2021.

Respectfully Submitted,

Harris Shelton Hanover Walsh, PLLC

/s/ Benjamin D. West
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Inc. and Shawn Christopher Janak*

CERTIFICATE OF SERVICE

I, Benjamin D. West, do hereby certify that a copy of the foregoing was electronically filed through the Court's ECF system and served this 11th day of May, 2021 by operation of the Court's electronic noticing system upon participants registered in this case.

/s/ Benjamin D. West
BENJAMIN D. WEST